

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SAAVEDRA RODRIGUEZ ET AL.

Plaintiffs

vs.

ENRON CORPORATION ET AL.

Defendants

CASE NO. 3:96-CV-02443 (JAF-ADC)

REQUEST FOR RELEASE OF FUNDS

TO THE HONORABLE COURT:

COMES NOW the undersigned attorney respectfully would show as follows:

1. I have been made aware of the existence of a check in the amount of \$15,000.00 deposited by Bauzá & Dávila Law Office payable to Escrow Account 80-0072-00, Banco Santander Trust Division for the benefit of Carmen Pastrana Lebrón, a plaintiff in the case styled Pastrana Lebrón et al. v. San Juan Gas et al., Case No. KDP97-1887 (502), before the Court of First Instance of P.R., San Juan Part. These plaintiffs were never a party to any action brought in the federal jurisdiction, much less before this District Court.

2. I have also been made aware that the Plaintiffs' Steering Committee has somehow laid claim to this money, even though the Pastrana plain-

tiffs settled their claim before the Steering Committee made any efforts on her behalf, a fact that was made known to the court which was properly seized of the matter, ie. the Court of First Instance of P.R., San Juan Part.

3. I have also been made aware of the fact that Magistrate Judge Delgado somehow attributed to me a lack of interest in the aforementioned funds because I had not made an appearance at a meeting during which this matter was discussed. My absence was caused by threefold circumstances: I had never made an appearance in the case at caption, I was never made aware that the meeting was being held, and the person who is entitled to the funds has never been subject to the jurisdiction of this court.

4. If the information I have gathered is correct, any order or holding granting to the Plaintiffs' Steering Committee the funds belonging to the Pastrana plaintiffs should be vacated and set aside at once. If the Plaintiffs's Steering Committee feels that it is entitled to any amount, then it should make its request in Case No. KDP97-1887 (502), before the Court of First Instance of P.R., San Juan Part.

WHEREFORE, premises considered, the undersigned respectfully requests that his recitals be given due consideration and that any order or holding granting to the Plaintiffs' Steering Committee the funds belonging to the Pastrana plaintiffs should be vacated and set aside at once and the matter referred to the Court of First Instance of P.R., San Juan Part.

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

In San Juan, P.R., this 13th day of September, 2004.

A handwritten signature in black ink, appearing to read 'G. Peñagaricano', with a stylized flourish at the end.

s/ Gabriel I. Peñagaricano
GABRIEL I. PEÑAGARICANO
USDCPR 120608
P.O. Box 9023520
San Juan, P.R. 00902-3520
Tel: (787) 725-2526
Fax: (787) 722-1528
email: guiqo34@hotmail.com